

Remarks

This is in response to the final Office Action dated September 5, 2006 and is being submitted simultaneously with a Request for Continued Examination pursuant to 37 C.F.R. 1.114.

A Change Of Correspondence Address dated December 13, 2005 is being submitted herewith.

The Office Action rejected claims 1-4, 6-7, 9-14, 16-17 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2002/0198803 to Rowe ("Rowe") in view of U.S. Patent No. 5,787,404 to Fernandez-Holmann ("Fernandez-Holmann"). The Office Action next rejected claims 21-24 under 35 U.S.C. §103(a) as being unpatentable over Rowe in view of Fernandez-Holmann in view of "New B or A Card Offers Discounts on Bank Products", by Jennifer Kingson Bloom, Published December 1, 1997 ("Bloom").

Claims 1, 2, 9, 11, 12 and 19 have been amended to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Claims 1-4, 6, 7, 9-14, 16, 17 and 19-24 remain for consideration.

Claims 9 and 19 have been amended to correct their dependency as they were dependent on canceled claims.

For the following reasons, neither Rowe, Fernandez-Holmann nor Bloom, alone or in combination teach or suggest all elements of amended independent claims 1 and 11.

Amended independent claim 1 is directed to a method for operating a consumable investment system. In this method there are two steps. The first step is "depositing value as principal corresponding to a consumed item of a supplier..." The second step is "accruing earned value for future consumption of the consumed item based on the principal, and a rate." Amended independent claim 11 is directed to a consumable investment system. The consumable investment system stores a value "as principal corresponding to a consumed item of a supplier..." and "an earned value for future consumption of the consumed item in the memory based on the principal, and a rate."

For example, the value corresponds to the amount of an item consumed. The earned value, which is different from the value, is analogous to interest earned on the

value, with the further limitation that it be used for making purchases of the consumed item. Therefore, if the consumed item were long distance minutes, and the consumer used 100 minutes, the value would be 100. If, over time, the earned value accrued was 10, the customer could use the earned value of 10 to purchase long distance minutes.

Neither Rowe, Fernandez-Holmann nor Bloom teach or suggest that the earned value may only be used to purchase the same consumable item that was used to calculate the value of the principal. The Examiner states in the Office Action that Rowe discloses this in paragraphs 10-13. This is not the case. Rowe merely discloses receiving cash back or points for purchases in paragraphs 10-13. The cash or points may be used to purchase a multitude of items, and the purchase is not limited to the consumed item.

Accordingly, neither Rowe, Fernandez-Holmann nor Bloom, alone or in combination, teach all elements of amended, independent claims 1 and 11. Therefore, amended, independent claims 1 and 11 are not obvious in view of any of the cited references, either alone or in combination and, as a result, claims 1 and 11 are allowable. It follows, that since claims 2-4, 6, 7, 9-10, 12-14, 16, 17 and 19-24 are dependent upon an allowable independent claim, that those claims are, therefore, also allowable.

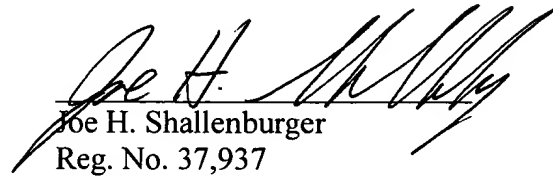
These dependent claims are also allowable because they add additional allowable subject matter as follows.

Claims 2 and 12 are directed to permitting withdrawal of the earned value for future consumption of the consumed item based on terms of an agreement for the account. As stated above, this is not shown by any of the references. Therefore, Applicants submit that this aspect of the invention is neither disclosed nor suggested by the cited references.

No new matter has been introduced as a result of the foregoing amendments. The earned value for future consumption of the consumed item is described in the present application at least at paragraph 9.

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe H. Shallenburger", is written over a horizontal line.

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